

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**MARION, et al.**

Serial No. **Not yet assigned**

Filed: Submitted herewith

For: DEVICES AND METHODS FOR  
CONTROLLING INITIAL  
MOVEMENT OF  
ELECTROSURGICAL  
ELECTRODE

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97–1.98, information relating to the above-identified application is hereby disclosed. The accompanying Form PTO-1449 provides a listing of documents that may be relevant to the subject application.

It is requested that the Examiner fully consider the art cited in the accompanying Form 1449, initial the left-most column of the form adjacent each cited reference, and return a copy for Applicants' records. It is further requested that the art be cited on the cover of any patent issuing from the subject application.

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CERTIFICATE OF MAILING (37 C.F.R. §1.10)

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November 13, 2003  
Date of Deposit  
IR1:1049770.1

Cynthia B. Pacheco  
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In accordance with §1.97(b), this Information Disclosure Statement is being filed within three months of the filing date of the above-identified application, and therefore no fee is required.

This statement should not be construed as a representation that more material information does not exist or that an exhaustive search of the relevant art has been made. Nor does this statement constitute an admission by Applicants or Applicants' agent that the information provided herein is necessarily prior art to Applicants' invention. Moreover, Applicants reserve the right to establish the patentability of the claimed invention over any of the listed documents should they be applied there-against as references. Please charge any deficiency or credit any overpayment to Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: November 13, 2003

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PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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|   |   |    |   | Application Number       | Not Yet Assigned |
|   |   |    |   | Filing Date              | Herewith         |
|   |   |    |   | First Named Inventor     | MARION et al.    |
|   |   |    |   | Group Art Unit           | Not Yet Assigned |
|   |   |    |   | Examiner Name            | Not Yet Assigned |
| Sheet   | 1 | of | 1 | Attorney Docket Number   | 032,290-068      |

| U.S. PATENT DOCUMENTS  |                          |                      |                                      |  |  |   |
|------------------------|--------------------------|----------------------|--------------------------------------|--|--|---|
| Examiner<br>Initials * | Cite<br>No. <sup>1</sup> | U.S. Patent Document |                                      | Name of Patentee or Applicant<br>of Cited Document | Date of Publication of<br>Cited Document<br>MM-DD-YYYY | Pages, Columns, Lines, Where Relevant<br>Passages or Relevant<br>Figures Appear |
|                        |                          | Number               | Kind Code <sup>2</sup><br>(if known) |  |  |   |
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| FOREIGN PATENT DOCUMENTS |                          |                         |                     |                                      |   |  |  |                |
|--------------------------|--------------------------|-------------------------|---------------------|--------------------------------------|---|--|--|----------------|
| Examiner<br>Initials*    | Cite<br>No. <sup>1</sup> | Foreign Patent Document |                     |                                      | Name of Patentee<br>or Applicant of<br>Cited Document | Date of Publication of<br>Cited Document<br>MM-DD-YYYY | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear | T <sub>6</sub> |
|                          |                          | Office <sup>3</sup>     | Number <sup>4</sup> | Kind Code <sup>5</sup><br>(if known) |   |  |  |                |
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|                          | BC                       |                         |                     |                                      |   |  |  |                |

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| Examiner<br>Signature | Date<br>Considered |
|-----------------------|--------------------|

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<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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